

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
<i>Plaintiff,</i>)	
)	Case No.: CR-23-005-RAW
vs.)	
)	
TRAVIS GENE SLOAT,)	
<i>Defendant.</i>)	

**DEFENDANT’S OPPOSED MOTION FOR WAIVER OF JURY TRIAL AND PROCEED
WITH TRIAL TO THE COURT**

COMES NOW, Defendant Travis Gene Sloat, by and through his attorney of record, Matthew R. Price, and moves to waive trial by jury pursuant to *Fed. R. Crim. P. 23* and proceed with trial by the Court.

Counsel for the defense contacted counsel for the government. The United States of America is opposed to this motion at the time of the filing.

The defendant may waive a jury trial in writing if the government consents and the court approves. *Id.* In the event a trial by the Court is granted, the court must find the defendant guilty or not guilty providing specific findings of fact, if requested by one of the parties. *Id.*

In *Patton v. United States* 281 U.S. 276, the Court delved into a defendant’s right to trial by the court. The court flatly rejected the idea that public policy forbade a defendant from waiving their right to trial by jury. *Id.* at 308. The court affirmed the power of the defendant in any criminal case to waive a trial by a jury and submit to trial by the court with “sound and advised discretion.” *Id.* at 312.

In *Adams v. U.S. ex rel. McCann*, 317 U.S. 269, the Court goes a step further asserting, “There is nothing in the Constitution to prevent an accused from choosing to have his fate tried before a judge without a jury...” It even ventures reasonings for why a defendant would ask to skip

a jury trial in favor of trial by the court, “ And since trial by jury confers burdens as well as benefits, an accused should be permitted to forego its privileges when his competent judgment counsels him that his interests are safer in the keeping of the judge than of the jury.” *Id* at 278.

WHEREFORE the Defendant moves this Court to order a hearing be held on this matter, the position of the United States of America be asserted, and at that hearing after the Defendant waives his right to a trial by jury in open court, the Court accept the waiver and proceed to trial by the Court and for any and all further relief as this Court deems appropriate.

Dated May 26, 2023

Respectfully submitted,

s/ Matthew R. Price
MATTHEW R. PRICE
State Bar of Oklahoma #32486
Attorney for the Defendant
HAMMONS HAMBY & PRICE, PLLC
330 N. 4th Street
Muskogee, OK 74401
Telephone: (918) 683-0309
Facsimile: (918) 686-7510
Email: mrp@hammonsprice.com

Criminal Cases Only:
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Certificate of Service

 X I hereby certify that on May 26, 2023, I electronically transmitted this document to the Clerk of Court using the Electronic Case Filing System for filing. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

s/ Matthew R. Price